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January 15, 2008

REMARKS/ARGUMENTS

Claims 1, 2, 4-25 and 27-47 stand rejected in the outstanding Official Action. Claims 12 and 35 have been cancelled without prejudice and claims 1, 13, 14, 23, 24, 36, 37 and 46 have been amended. Therefore, claims 1, 2, 4-11, 13-25, 27-34 and 36-47 are the only claims remaining in this application.

The Examiner's acceptance of the previously submitted new abstract is very much appreciated. Additionally, the Examiner's withdrawal of the provisional obviousness-type double patenting rejections is appreciated. Finally, the Examiner's withdrawal of the 35 USC §101 rejections of claims 24-47 is appreciated.

Claims 1, 2, 4-25 and 27-47 stand rejected under 35 USC §103 as unpatentable over Christie (U.S. Patent 7,165,135) in view of Knight (U.S. Publication 2003/0126520). Applicants have amended independent claims 1 and 24 to include the limitations of previously pending dependent claims 12 and 35 (and those claims have now been cancelled). Thus, the scope of claims in the current independent claims 1 and 24 have previously been examined as dependent claims 12 and 35. The Examiner's withdrawal of previous rejections of claims 12 and 35 under 35 USC §102 is also appreciated and Applicants have added the limitations from claims 12 and 35 to independent claims 1 and 24 (claim 1 being an apparatus claim and claim 24 being a data processing method claim).

The Examiner's admission on page 4 that the Christie reference "fails to disclose wherein said one or more exception conditions have respective programmable configurations associated therewith that control triggering of either a non-secure exception handler operating in a non-secure mode or a secure exception handler operating in a secure mode with any change of

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domain also being triggered when required" is very much appreciated. However, the Examiner suggests that this missing claim requirement is disclosed in the Knight reference.

Specifically, the Examiner points to the teaching in the Knight reference at paragraph 0015 which includes an exception vector table which contains virtual addresses which correspond to a specific exception or interrupt. This exception vector table is similar to exception vector tables claimed in original claims 12 and 35 and as shown in Figure 15 of the present application. However, in both cases the exception vector tables are used to select an exception handler within a particular domain, i.e., they select which type of exception handler is used (e.g., reset, software interrupt, prefetch abort, etc). **The exception vector tables are not used to select whether a non-secure or secure exception handler is used.**

It should be understood that the Knight reference contains no disclosure of triggering whether a non-secure exception handler operates in a non-secure mode or a secure exception handler operates in a secure mode. This should be readily apparent because in the Knight reference, there is no concept of a secure mode or a non-secure mode. While the overall concept of an exception vector table is disclosed in Knight, there is nothing in Knight which corresponds to the programmable configurations or other limitations set out in Applicants' independent claims 1 and 24.

For example, because Knight has nothing to do with triggering secure or non-secure modes, he clearly cannot disclose the claimed triggering of exception processing using an exception handler "in dependence upon an exception vector value associated with said exception condition and stored within an active exception vector table" (subject matter of former dependent claims 12 and 35) and the original claim 1 and claim 24 requirement that such triggered

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exception processing is “in dependence upon whether said processor is operating in said secure domain or said non-secure domain” (emphasis added). As noted above, because Knight has no concept of a secure mode or a non-secure mode, he cannot teach or suggest triggering exception processing using an exception handler “in dependence upon whether said processor is operating in said secure domain or said non-secure domain.”

Thus, because the Examiner admits that Christie fails to disclose the controlling of triggering of a non-secure handler for non-secure mode or a secure handler operating in a secure mode and because Knight has no concept or disclosure of secure and non-secure modes or domains, even if Christie and Knight are combined, they cannot disclose the subject matter of Applicants' claims 1 and 24. As a result, any further rejection of independent claims 1 and 24 or claims dependent thereon over the Christie/Knight combination under 35 USC §103 is respectfully traversed.

Applicants also note that the original language of independent claims 1 and 24 require “programmable configurations associated therewith that control triggering of either a non-secure exception handler operating in a non-secure mode or a secure exception handler operating in a secure mode **with any change of domain also being triggered when required**” (emphasis added). As noted above, the Knight reference clearly does not describe secure and non-secure domains. In the Christie reference, there are no programmable configurations associated with one or more exception conditions (as admitted by the Examiner on page 4). As a result, neither Christie nor Knight can teach the requirement of “any change of domain also being triggered when required.”

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In view of the above, there are clearly at least two limitations or interrelationships specified in independent claims 1 and 24 which are simply missing from both the Christie and Knight references. Accordingly, even if these references were combined, they cannot render obvious the subject matter of independent claims 1 and 24 or claims dependent thereon.

Additionally, the U.S. Supreme Court has recently held in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) that “[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” The Court held that “[t]o facilitate review, this analysis should be made explicit.”

The Examiner has provided no reason or motivation for combining the Knight and Christie references except to say that they are “analogous art” because they are from the same field of endeavor of exception or interrupt handling. Applicants’ claim relates to a processor “operable in a plurality of modes and a plurality of domains, said plurality of domains comprising a secure domain or a non-secure domain” Knight, as noted above, has nothing to do with secure and non-secure modes or domains and therefore to the extent of the claimed invention, Knight and Christie are not analogous art.

Apart from the argument that Knight and Christie are non-analogous art, the only remaining “explicit” discussion of any reason for combining is the conclusory statement that it would be obvious to combine the teachings of Knight and Christie. The Supreme Court in the *KSR* decision has adopted the rationale of the Court of Appeals for the Federal Circuit by stating

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that “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements.”

Id. The Examiner’s mere conclusory statement that it would be obvious to combine the teachings of the two references, i.e., picking and choosing individual teachings and then combining them in the manner set out in Applicants’ independent claims 1 and 24, is nothing more than a simple conclusory statement and does not meet the requirements to support a rejection under the provisions of 35 USC §103.

Accordingly, and in view of the above, the Examiner has failed to meet his burden of establishing a *prima facie* case of obviousness under 35 USC §103 and therefore the rejection in the outstanding Official Action fails.

Entry of the Amendment under the provisions of Rule 116

Applicants respectfully request entry of the above amendment subject to the provisions of 37 CFR 1.116 because no new issues are raised or presented which would require further consideration and/or search. No new claims are presented and two existing claims have been cancelled thereby reducing the issues on Appeal. The Final Rejection however, raises a new issue by providing for the first time an obviousness rejection of all claims with the Christie/Knight combination of references. The Examiner in the Final Rejection specifies on page 12 how he believes former claim 12 is obvious in view of the Christie reference. On page 9, the Examiner indicates that he believes the rejection of claim 35 is similar to the rejection discussed with respect to claim 12.

Thus, the Examiner has already carefully considered the subject matter of claims 12 and 35. The above amendment, which merely cancels claims 12 and 35 and adds the limitations to independent claims 1 and 24, does not make any amendment which raises any further issue

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requiring additional consideration and/or search by the Examiner. While Applicants are happy to go forward with an appeal directed to the subject matter of former claims 12 and 35, it is submitted that it is more appropriate to go forward on appeal (which may not be necessary in view of the admissions made by the Examiner in the outstanding Final Rejection) on amended claim 1 including the limitations of claim 12 and on claim 24 including the limitations of claim 25.

Therefore, entry of the above amendment subject to the provisions of Rule 116 is respectfully requested, in that it places the application in better form for appeal and does not raise any new issues requiring further consideration and/or search. Applicants' reliance for patentability is based upon independent claims 1 and 24 as amended above and is not based upon any alleged narrower scope of claims previously dependent from claim 1 in combination with the subject matter of claims 12 and 35. Accordingly, entry under the provisions of Rule 116 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1, 2, 4-11, 13-25, 27-34 and 36-47 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

The Examiner is respectfully requested to contact Applicants' undersigned representative by telephone regarding his decision with respect to entry of this amendment in order that Applicants may timely note an appeal if needed.

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Respectfully submitted,

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